

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION *et al.*

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION;
UNITED STATES DEPARTMENT OF JUSTICE

Defendants.

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) Civ. A. No. 1:05-CV-1004 (ESH)
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) Judge Ellen S. Huvelle
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**DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME FOR
FILING SUMMARY JUDGMENT**

Defendants, by and through their undersigned counsel, hereby move unopposed to extend the date on which Defendants' first Motion for Summary Judgment is due from Friday, January 20, 2006, to February 24, 2006. The grounds for this motion are as follows.

1. This action arises under the Freedom of Information Act and concerns two distinct FOIA requests made to Defendant Federal Bureau of Investigation ("FBI").

Records Concerning Specific Organizations: First, Plaintiffs requested documents that concern any monitoring, surveillance, observation, questioning, interrogation, investigation, and infiltration specifically about several organizations, including the Plaintiffs themselves (ACLU, Arab-American Anti-Discrimination Committee ("ADC"), Greenpeace, People for the Ethical Treatment of Animals ("PETA"), and United for Justice and Peace ("UFJP")). See Hardy Decl. ¶ 6 (Docket No. 16) and Exhibit B (FOIA Request No. #2).

Records Concerning the Policies, Practices, and Procedures of the National Joint Terrorism Task Force: Second, Plaintiffs requested records about the National Joint Terrorism Task Force ("NJTTF"). See Declaration of David M. Hardy ¶ 6 (Docket No. 16) and Exhibit A

(Request No. 1).

2. By Order dated August 29, 2005 (Docket No. 24), the Court ordered that the Defendant FBI complete its FOIA response and production with respect to the “organization” request by October 1, 2005. With respect to the NJTTF request, the Court ordered that the FBI produce documents related to policies, practices, and procedures by January 6, 2006, and that the FBI complete production in response to this request by March 1, 2006.

3. By Order dated November 1, 2005 (Docket No. 25), the Court ordered Defendants to produce a *Vaughn* declaration concerning the organization requests by December 22, 2005, and that the Plaintiffs identify the documents as to which they are bringing a challenge under the FOIA by December 29, 2005, and that the Defendants’ Motion for Summary Judgment be filed by January 20, 2006, Plaintiffs’ Opposition by February 10, 2006, and Defendant’s Reply by February 17, 2006.

4. After Defendant FBI provided Plaintiffs an initial *Vaughn* declaration for the organization requests, the Plaintiffs indicated, by letter dated December 29, 2005, which documents they are challenging for this request. Plaintiffs indicated they did not wish to litigate over 89 specific pages and as to any material withheld under Exemptions (b)(2)-1, -2, -3 and -5; (b)(6)-1, -2-, -3, and -6; (b)(7)(C)-1, -2, -3, and -6; and (b)(7)(D)-3 and -5.

5. Defendant FBI is now modifying its *Vaughn* declaration for submission on summary judgment to address the materials that remain at issue. It presently appears that over 1,000 pages remain at issue in this round of litigation on Plaintiff’s “organization” requests. In addition, several FOIA exemptions for information withheld from these pages remain at issue for briefing on summary judgment. Those exemptions are: (b)(1); (b)(2)-4; (b)(3)-1 and (b)(3)-2;

(b)(5); (b)(6)-4 and (b)(6)-5; (b)(7)A; (b)(7)(C)-4 and (b)(7)(C)-5; (b)(7)(D)-1, (b)(7)(D)-2, (b)(7)(D)-4; and (b)(7)(E). Because of the number of pages and FOIA exemptions that presently remain at issue, Defendants require additional time to finalize a *Vaughn* declaration and prepare a summary judgment motion. If possible, Defendants will also attempt during this extension period to reduce further the scope of the materials that remain at issue.

6. Accordingly, the Defendants move, unopposed, for additional time to prepare a motion for summary judgment for the large volume of materials that presently remain at issue and seek until February 24, 2006 to file their motion. Under this proposed extension, the Plaintiffs' Opposition would be due on March 17, 2006, and Defendants' Reply would be due on March 24, 2006. No change is proposed for the next scheduled status conference in this case: March 31, 2006 at 9:45 am.

7. The undersigned counsel for the Defendants (Mr. Coppolino) has conferred with counsel for the Plaintiffs (Mr. Wizner) who indicated that Plaintiffs do not oppose the granting of this motion. A proposed order is attached.

Respectfully Submitted,

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Dated: January 18, 2006

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ORDER

Upon consideration of the Defendants' Unopposed Motion to Extend Time, the record of this case, and good cause appearing, it is

HEREBY ORDERED THAT Defendants' motion shall be and hereby is GRANTED; and it is FURTHER ORDERED THAT:

(1) The date on which Defendants' Motion for Summary Judgment shall be filed is hereby extended to February 24, 2006; and

(2) The date on which Plaintiffs' Opposition to Defendants' Motion for Summary Judgment shall be filed is hereby extended to March 17, 2006; and

(3) The date on which Defendants' reply to Plaintiffs' Opposition shall be filed is hereby extended to March 24, 2006; and

(4) The next status conference in this case shall remain as scheduled on March 31, 2006 at 9:45 a.m.

SO ORDERED:

DATE: _____

The Honorable Ellen S. Huvelle
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2006, the foregoing *Defendants' Unopposed Motion to Extend Time* was filed electronically and served by means of the Court's ECF notice system. See Local Rule 5.4(d)(1). If otherwise necessary, the foregoing will also be served directly by electronic mail and first-class mail, postage pre-paid, on:

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